

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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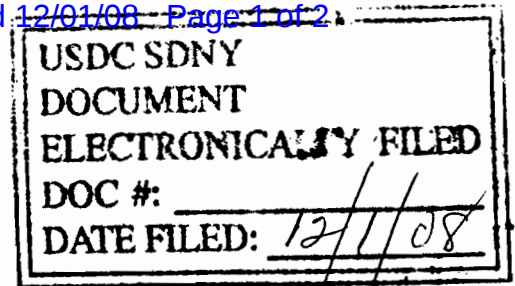
In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

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This document relates to:

City of New York v. Amerada Hess Corp.,
et al., 04 Civ 3417

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Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

STIPULATION AND PROPOSED ORDER

It is hereby stipulated and agreed by and between the undersigned counsel for the parties in *City of New York v. Amerada Hess Corp., et al.*, subject to the approval and entry as an Order by the Court, that the Revised Confidentiality Order entered in MDL 1358 on September 24, 2004 ("Revised Confidentiality Order") is amended in the *City of New York* action only by adding a new paragraph II.C.a.(ii)(4) as follows:

C.a.(ii). For purposes of this Order, "CONFIDENTIAL DOCUMENT(S), INFORMATION OR OTHER THING(S) are DOCUMENTS (S), INFORMATION OR OTHER THING(S) that are PRODUCED OR DISCLOSED in THIS ACTION with Confidentiality Designations in accordance with this Section and:

* * *

(4) That are PRODUCED OR DISCLOSED by the City of New York ("the City") in *City of New York v. Amerada Hess Corp. et al.*, 04 CV 3417, and which concern future planning for or use of the City's water supply and which City asserts are protected from disclosure under the deliberative process privilege. Nothing in this Order shall waive the City's right to assert that the DOCUMENT, INFORMATION OR OTHER THING(S) that are PRODUCED OR DISCLOSED pursuant to this paragraph are covered by the deliberative process privilege. Defendants assert

that the DOCUMENTS, INFORMATION OR OTHER THING(S) to PRODUCED OR DISCLOSED pursuant to this paragraph are not protected from disclosure under the deliberative process privilege. Nothing in this Order shall waive Defendants' right to challenge the City's assertion of deliberative process privilege over any of said DOCUMENT, INFORMATION OR OTHER THING(S).

Documents, information or other things designated by the City of New York as confidential under the foregoing paragraph shall be subject to the same terms, conditions and restrictions as documents, information or other things designated as confidential under paragraph C of the Revised Confidentiality Order.

Within 10 days of the entry of this Stipulation and Order, counsel for each of the parties to the *City of New York* action shall acknowledge in writing that they have received and reviewed a copy of the Stipulation and Order and shall promptly file said acknowledgement with counsel for the City.

Dated: November 24, 2008

By: Susan E. Ann

On behalf of Plaintiff City of New York

By: James C. Pelt

On behalf of Defendants

SO ORDERED:

Shira A. Scheindlin
Shira A. Scheindlin
U.S.D.J.

Dated: 12/1/08